IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 3709 OF 2005
IN
CRIMINAL APPEAL NO. OF

The State of Maharashtra .. Applicant

Vs.

M.S. Mallipatil .. Respondent

Mr.K.V. Saste, APP for applicant-State.

CORAM : B. H. MARLAPALLE &
SMT. R.S. DALVI,JJ.

Date : January 25, 2006.

P.C.:

1. Heard the learned APP. The State seeks leave to appeal under Section 378(3) of Cr.P.C. against the order of acquittal passed by the learned 12th Ad-hoc Assistant Sessions Judge at Pune for an offences punishable under Sections 307 and 504 of IPC.

2. We have described the nature of injuries, based on the medical evidence in our order dismissing Criminal Appeal No.550 of 2005 today. The nature of the injuries sustained by the complainant has also been dealt with by us in the said order and we are, therefore, satisfied that the view taken by the trial court in acquitting the respondent-accused for an offence punishable under Sections 307 and 504 of IPC does not require reconsideration by this court in an appeal.

3. In the premises, this is not a fit case to grant leave to appeal under Section 378(3) of Cr.P.C. and hence leave is hereby refused.

(Smt.R.S. Dalvi,J.) **(B.H. Marlapalle, J.)**